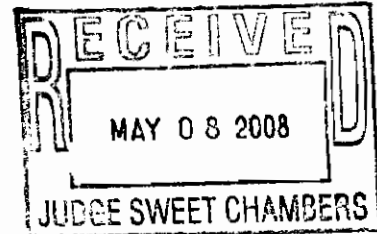




FELLHEIMER AND EICHEN LLP
ATTORNEYS AT LAW

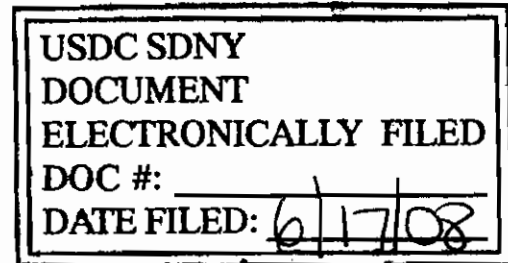
alan@fellheimer.net



May 6, 2008

By Federal Express

Honorable Robert W. Sweet
United States District Judge
United States District Court for
the Southern District of New York
United States Courthouse
500 Pearl Street, Room 1920
New York, New York 10007-1312



Re: *Axion Power International, Inc. v. Mercatus & Partners, Ltd.*
Civil Action Number: 07 CV 11493

Dear Judge Sweet:

Enclosed please find a courtesy copy of the Plaintiff's Motion For Leave To File an Amended Complaint, filed today by ECF together with the Notice of Motion, Memorandum in Support of the Motion, a proposed Amended Complaint with Exhibits, a proposed form of Order and a Certificate Of Service.

Respectfully,

Alan S. Fellheimer
AF-1401
ASF:mys
Enclosure

cc: Axion Power International, Inc.
William P. Frank, Esquire
James A. Prestiano, Esquire
Dr. Stephen Cevalo
Cari Masi
Mercatus & Partners, Ltd.

*Motion
granted
S. Sweet
USDC
6-12-08*